

NATIONAL INTEGRATED COASTAL AND OCEAN
OBSERVATION ACT OF 2008

MARCH 31, 2008.—Ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 2342]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2342) to direct the President to establish a National Integrated Coastal and Ocean Observation System, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. ENHANCING CLIMATE CHANGE PREDICTIONS.

(a) **SHORT TITLE.**—This section may be cited as the “National Integrated Coastal and Ocean Observation Act of 2008”.

(b) **PURPOSES.**—The purposes of this section are the following:

(1) Establish a National Integrated Coastal and Ocean Observation System comprised of Federal and non-Federal components, coordinated at the national level by the National Ocean Research Leadership Council and at the regional level by a network of Regional Information Coordination Entities, that includes in situ, remote, and other coastal and ocean observations, technologies, and data management and communication systems, to gather specific coastal and ocean data variables and to ensure the timely dissemination and availability of usable observation data—

(A) to support national defense, marine commerce, energy production, scientific research, ecosystem-based marine and coastal resource management, weather and marine forecasting, public safety and public outreach training and education; and

(B) to promote greater public awareness and stewardship of the Nation’s ocean, coastal, and Great Lakes resources and the general public welfare.

(2) Improve the Nation’s capability to measure, track, explain, and predict events related directly and indirectly to weather and climate change, natural climate variability, and interactions between the oceanic and atmospheric environments, including the Great Lakes.

(3) Authorize activities to promote basic and applied research to develop, test, and deploy innovations and improvements in coastal and ocean observation

technologies, modeling systems, and other scientific and technological capabilities to improve our conceptual understanding of weather and climate, ocean atmosphere dynamics, global climate change, and physical, chemical, and biological dynamics of the ocean and coastal and Great Lakes environments.

(c) DEFINITIONS.—In this section:

(1) COUNCIL.—The term “Council” means the National Ocean Research Leadership Council referred to in section 7902 of title 10, United States Code.

(2) ADMINISTRATOR.—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

(3) FEDERAL ASSETS.—The term “Federal assets” means all relevant nonclassified civilian coastal and ocean observations, technologies, and related modeling, research, data management, basic and applied technology research and development, and public education and outreach programs, that are managed by member agencies of the Council.

(4) INTERAGENCY WORKING GROUP.—The term “Interagency Working Group” means the Interagency Working Group on Ocean Observations as established by the U.S. Ocean Policy Committee Subcommittee on Ocean Science and Technology pursuant to Executive Order 13366 signed December 17, 2004.

(5) NON-FEDERAL ASSETS.—The term “non-Federal assets” means all relevant coastal and ocean observations, technologies, related basic and applied technology research and development, and public education and outreach programs that are integrated into the System and are managed through States, regional organizations, universities, nongovernmental organizations, or the private sector.

(6) REGIONAL INFORMATION COORDINATION ENTITIES.—

(A) IN GENERAL.—The term “Regional Information Coordination Entity”, subject to subparagraphs (B) and (C), means an organizational body that is certified or established by the lead Federal agency designated in subsection (d)(3)(C)(iii) and coordinating State, Federal, local, and private interests at a regional level with the responsibility of engaging the private and public sectors in designing, operating, and improving regional coastal and ocean observing systems in order to ensure the provision of data and information that meet the needs of user groups from the respective regions.

(B) INCLUDED ASSOCIATIONS.—Such term includes Regional Associations as described by the System Plan.

(C) LIMITATION.—Nothing in this section shall be construed to invalidate existing certifications, contracts, or agreements between Regional Associations and other elements of the System.

(7) SYSTEM.—The term “System” means the National Integrated Coastal and Ocean Observation System established under subsection (d).

(8) SYSTEM PLAN.—The term “System Plan” means the plan contained in the document entitled “Ocean.US Publication No. 9, The First Integrated Ocean Observing System (IOOS) Development Plan”.

(d) NATIONAL INTEGRATED COASTAL AND OCEAN OBSERVING SYSTEM.—

(1) ESTABLISHMENT.—The President, acting through the Council, shall establish a National Integrated Coastal and Ocean Observation System to fulfill the purposes set forth in subsection (b) and the System plan and to fulfill the Nation’s international obligations to contribute to the global earth observation system of systems and the global ocean observing system.

(2) SUPPORT OF PURPOSES.—The head of each agency that is a member of the Interagency Working Group shall support the purposes of this section.

(3) AVAILABILITY OF DATA.—The head of each Federal agency that has administrative jurisdiction over a Federal asset shall make available data that are produced by that asset and that are not otherwise restricted for integration, management, and dissemination by the System.

(4) ENHANCING ADMINISTRATION AND MANAGEMENT.—The head of each Federal agency that has administrative jurisdiction over a Federal asset may take appropriate actions to enhance internal agency administration and management to better support, integrate, finance, and utilize observation data, products, and services developed under this section to further its own agency mission and responsibilities.

(5) PARTICIPATION IN REGIONAL INFORMATION COORDINATION ENTITY.—The head of each Federal agency that has administrative jurisdiction over a Federal asset may participate in regional information coordination entity activities.

(6) NON-FEDERAL ASSETS.—Non-Federal assets shall be coordinated by the Interagency Working Group or by Regional Information Coordination Entities.

(e) POLICY OVERSIGHT, ADMINISTRATION, AND REGIONAL COORDINATION.—

(1) NATIONAL OCEAN RESEARCH LEADERSHIP COUNCIL.—The National Ocean Research Leadership Council shall be responsible for establishing broad coordi-

nation and long-term operations plans, policies, protocols, and standards for the System consistent with the policies, goals, and objectives contained in the System Plan, and coordination of the System with other earth observing activities.

(2) INTERAGENCY WORKING GROUP.—The Interagency Working Group shall, with respect to the System, be responsible for—

(A) implementation of operations plans and policies developed by the Council;

(B) development of and transmittal to Congress at the time of submission of the President's annual budget request an annual coordinated, comprehensive System budget;

(C) identification of gaps in observation coverage or needs for capital improvements of both Federal assets and non-Federal assets;

(D) establishment of data management and communication protocols and standards;

(E) establishment of required observation data variables;

(F) development of certification standards for all non-Federal assets or Regional Information Coordination Entities to be eligible for integration into the System;

(G) subject to the availability of appropriations, establish through one or more participating Federal agencies, in consultation with the System Advisory Committee established under paragraph (5), a competitive matching grant or other program to promote research and development of innovative observation technologies including testing and field trials; and

(H) periodically review and recommend to the Council revisions to the System Plan.

(3) LEAD FEDERAL AGENCY.—The Administrator shall function as the lead Federal agency for the System. The Administrator may establish an Interagency Program Coordinating Office to facilitate the Administrator's responsibilities as the lead Federal agency for System oversight and management. The Administrator shall—

(A) implement policies, protocols, and standards established by the Council and delegated by the Interagency Working Group;

(B) promulgate regulations to integrate the participation of non-Federal assets into the System and enter into and oversee contracts and agreements with Regional Information Coordination Entities to effect this purpose;

(C) implement a competitive funding process for the purpose of assigning contracts and agreements to Regional Information Coordination Entities;

(D) certify or establish Regional Information Coordination Entities to coordinate State, Federal, local, and private interests at a regional level with the responsibility of engaging private and public sectors in designing, operating, and improving regional coastal and ocean observing systems in order to ensure the provision of data and information that meet the needs of user groups from the respective regions;

(E) formulate a process by which gaps in observation coverage or needs for capital improvements of Federal assets and non-Federal assets of the System can be identified by the Regional Information Coordination Entities, the Administrator, or other members of the System and transmitted to the Interagency Working Group;

(F) be responsible for the coordination, storage, management, and dissemination of observation data gathered through the System to all end-user communities;

(G) implement a program of public education and outreach to improve public awareness of global climate change and effects on the ocean, coastal, and Great Lakes environment; and

(H) report annually to the Council through the Interagency Working Group on the accomplishments, operational needs, and performance of the System to achieve the purposes of this title and the System Plan.

(4) REGIONAL INFORMATION COORDINATION ENTITY.—To be certified or established under paragraph (3)(D), a Regional Information Coordination Entity must be certified or established by contract or agreement by the Administrator, and must agree to—

(A) gather required System observation data and other requirements specified under this section and the System plan;

(B) identify gaps in observation coverage or needs for capital improvements of Federal assets and non-Federal assets of the System, and transmit such information to the Interagency Working Group via the Administrator;

(C) demonstrate an organizational structure and strategic operational plan to ensure the efficient and effective administration of programs and assets to support daily data observations for integration into the System;

(D) comply with all financial oversight requirements established by the Administrator, including requirements relating to audits; and

(E) demonstrate a capability to work with other governmental and non-governmental entities at all levels to identify and provide information products of the System for multiple users within the service area of the Regional Information Coordination Entities and otherwise.

(5) SYSTEM ADVISORY COMMITTEE.—

(A) IN GENERAL.—The Administrator shall establish a System Advisory Committee, which shall provide advice as may be requested by the Administrator or the Interagency Working Group.

(B) PURPOSE.—The purpose of the System Advisory Committee is to advise the Administrator and the Interagency Working Group on—

(i) administration, operation, management, and maintenance of the System, including integration of Federal and non-Federal assets and data management and communication aspects of the System, and fulfillment of the purposes specified under subsection (b);

(ii) expansion and periodic modernization and upgrade of technology components of the System;

(iii) identification of end-user communities, their needs for information provided by the System, and the System's effectiveness in disseminating information to end-user communities and the general public; and

(iv) any other purpose identified by the Administrator or the Interagency Working Group.

(C) MEMBERS.—

(i) IN GENERAL.—The System Advisory Committee shall be composed of members appointed by the Administrator. Members shall be qualified by education, training, and experience to evaluate scientific and technical information related to the design, operation, maintenance, or use of the System, or use of data products provided through the System.

(ii) TERMS OF SERVICE.—Members shall be appointed for 3-year terms, renewable once. A vacancy appointment shall be for the remainder of the unexpired term of the vacancy, and an individual so appointed may subsequently be appointed for 2 full 3-year terms if the remainder of the unexpired term is less than one year.

(iii) CHAIRPERSON.—The Administrator shall designate a chairperson from among the members of the System Advisory Committee.

(iv) APPOINTMENT.—Members of the System Advisory Committee shall be appointed as special Government employees for purposes of section 202(a) of title 18, United States Code.

(D) ADMINISTRATIVE PROVISIONS.—

(i) REPORTING.—The System Advisory Committee shall report to the Administrator and the Interagency Working Group, as appropriate.

(ii) ADMINISTRATIVE SUPPORT.—The Administrator shall provide administrative support to the System Advisory Committee.

(iii) MEETINGS.—The System Advisory Committee shall meet at least once each year, and at other times at the call of the Administrator, the Interagency Working Group, or the chairperson.

(iv) COMPENSATION AND EXPENSES.—Members of the System Advisory Committee shall not be compensated for service on that Committee, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(v) EXPIRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the System Advisory Committee.

(6) CIVIL LIABILITY.—For purposes of determining liability arising from the dissemination and use of observation data gathered pursuant to this section, any non-Federal asset or Regional Information Coordination Entity that is certified under paragraph (3)(D) and that is participating in the System shall be considered to be part of the National Oceanic and Atmospheric Administration. Any employee of such a non-Federal asset or Regional Information Coordination Entity, while operating within the scope of his or her employment in carrying out the purposes of this section, with respect to tort liability, is deemed to be an employee of the Federal Government.

(f) INTERAGENCY FINANCING, GRANTS, CONTRACTS, AND AGREEMENTS.—

(1) IN GENERAL.—The member departments and agencies of the Council, subject to the availability of appropriations, may participate in interagency financing and share, transfer, receive, obligate, and expend funds appropriated to any

member agency for the purposes of carrying out any administrative or programmatic project or activity to further the purposes of this section, including support for the Interagency Working Group, the Interagency Coordinating Program Office, a common infrastructure, and integration to expand or otherwise enhance the System.

(2) JOINT CENTERS AND AGREEMENTS.—Member Departments and agencies of the Council shall have the authority to create, support, and maintain joint centers, and to enter into and perform such contracts, leases, grants, and cooperative agreements as may be necessary to carry out the purposes of this section and fulfillment of the System Plan.

(g) APPLICATION WITH OTHER LAWS.—Nothing in this section supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.

(h) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than two years after the date of enactment of this section, the Administrator through the Council shall submit to Congress a report that describes the status of the System and progress made to achieve the purposes of this section and the goals identified under the System Plan.

(2) CONTENTS.—The report shall include discussion of the following:

(A) Identification of Federal and non-Federal assets as determined by the Council that have been integrated into the System, including assets essential to the gathering of required observation data variables necessary to meet the respective missions of Council agencies.

(B) A review of procurements, planned or initiated, by each Council agency to enhance, expand, or modernize the observation capabilities and data products provided by the System, including data management and communication subsystems.

(C) An assessment regarding activities to integrate Federal and non-Federal assets, nationally and on the regional level, and discussion of the performance and effectiveness of Regional Information Coordination Entities to coordinate regional observation operations.

(D) An evaluation of progress made by the Council to achieve the purposes of this section and the goals identified under the System Plan.

(E) Recommendations for operational improvements to enhance the efficiency, accuracy, and overall capability of the System.

(3) BIENNIAL UPDATE.—Two years after the transmittal of the initial report prepared pursuant to this subsection and biennially thereafter, the Administrator, through the Council, shall submit to Congress an update of the initial report.

(i) PUBLIC-PRIVATE USE POLICY.—The Council shall develop a policy within 6 months after the date of the enactment of this section that defines processes for making decisions about the roles of the Federal Government, the States, Regional Information Coordination Entities, the academic community, and the private sector in providing to end-user communities environmental information, products, technologies, and services related to the System. The Council shall publish the policy in the Federal Register for public comment for a period not less than 60 days. Nothing in this subsection shall be construed to require changes in policy in effect on the date of the enactment of this Act.

(j) INDEPENDENT COST ESTIMATE.—The Interagency Working Group, through the Administrator and the Director of the National Science Foundation, shall obtain within one year after the date of the enactment of this section an independent cost estimate for operations and maintenance of existing Federal assets of the System, and planned or anticipated acquisition, operation, and maintenance of new Federal assets for the System, including operation facilities, observation equipment, modeling and software, data management and communication, and other essential components. The independent cost estimate shall be transmitted unabridged and without revision by the Administrator to Congress.

(k) INTENT OF CONGRESS.—It is the intent of Congress that funding provided to agencies of the Council to implement this section shall supplement, and not replace, existing sources of funding for other programs. It is the further intent of Congress that agencies of the Council shall not enter into contracts or agreements for the development or procurement of new Federal assets for the System that are estimated to be in excess of \$250,000,000 in life-cycle costs without first providing adequate notice to Congress and opportunity for review and comment.

PURPOSE OF THE BILL

The purpose of H.R. 2342 is to direct the President to establish a National Integrated Coastal and Ocean Observation System, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

In the late 1980s and early 1990s, the emergence of new observation platforms and information management technologies, as well as a growing recognition among decision-makers that more accurate, timely and widely available scientific information about the ocean and coastal environments was desperately needed, stimulated federal agencies, the states, the university community and the private sector to initiate a joint effort to develop an integrated ocean observation system. This effort continues today. The Integrated Ocean Observing System (IOOS), as presently configured, incorporates the technological assets of federal programs and non-federal partners to efficiently link information and data across federal and state agencies, the private sector, and academic institutions to address the data needs of user communities. The IOOS functions as a loosely linked system of assorted observation technologies (e.g., satellites, buoys, tide gauges, etc.) that routinely and continuously provides quality-controlled environmental data and information on current and future conditions of the ocean, coastal and Great Lakes environment, on scales ranging from local watersheds to global ocean basins. The IOOS is multidisciplinary by design (e.g., physical, chemical, biological, etc.), providing data in forms and at rates required by multiple stakeholders (e.g., government, industry, research, non-governmental, etc.) to address multiple needs, including climate change predictions, maritime safety, natural hazards mitigation, homeland security, public health threats, and coastal ecosystem protection.

H.R. 2342 addresses a key recommendation of the Joint Ocean Commission Initiative to establish a National Integrated Coastal Ocean Observation System (NICOOS) to gather real-time data on the ocean environment (i.e., temperature, salinity, currents, etc.), to refine and enhance predictive capabilities, and to provide other immediate societal benefits, such as better fisheries management and safe navigation. The bill would formally authorize in statute the President to establish and develop a genuine NICOOS to:

- Measure, track, explain, and predict events related to climate change, natural climate variability, and interactions between the oceans and atmosphere including the Great Lakes;
- Promote basic and applied science research; and
- Institutionalize coordinated public outreach, education, and training.

The bill authorizes an administrative and oversight framework which principally mirrors the oversight structure that has evolved during the collaborative development of NICOOS. As the lead federal agency, NOAA would be responsible for day-to-day operations and information coordination. The bill also clearly defines both the federal and non-federal assets that comprise NICOOS.

Importantly, the bill also carries forward the existing regional operations concept by authorizing NOAA to enter into agreements with Regional Information Coordination Entities, or RICEs.

COMMITTEE ACTION

H.R. 2342 was introduced on May 16, 2007 by Congressman Tom Allen (D-ME). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Fisheries, Wildlife and Oceans. The bill was also referred to the Committee on Science and Technology, and within that Committee to the Subcommittee on Energy and Environment.

The Fisheries Subcommittee did not formally hear the bill. The bill was included verbatim, however, in a provision in Chairman Rahall's energy legislation (H.R. 2337, Title IV, Subtitle E, Section 464) which was heard before the Natural Resources Committee on May 23, 2007. The Administration testified in enthusiastic support for the provision in H.R. 2337 mirroring H.R. 2342. H.R. 2337 was marked up and subsequently reported by the Natural Resources Committee on August 3, 2007. A non-controversial amended version of section 464 which was agreed to by the House Science and Technology Committee was subsequently incorporated into Speaker Pelosi's energy legislation (H.R. 3221, Title VII, Subtitle D, Chapter 5, Section 7473) which passed the House on August 4, 2007. Ultimately, this provision was one of many that were not included in the final energy legislation that was passed by the Congress.

On February 13, 2008, the Subcommittee met to mark up H.R. 2342. Chairwoman Bordallo (D-GU) offered an amendment in the nature of a substitute to strike the bill language and replace it verbatim with the language taken from section 7473 of H.R. 3221. It was adopted by unanimous consent. The Fisheries, Wildlife and Oceans Subcommittee forwarded the bill as amended to the Full Committee by unanimous consent. On March 12, 2008, the Full Natural Resources Committee met to consider the bill. The bill as amended was then ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Enhancing climate change prediction

Subsection (a) of section 1 cites this Act as the "National Integrated Coastal and Ocean Observation Act of 2008."

Subsection (b) states that the purpose of the Act is to establish a National Integrated Coastal and Ocean Observation System, to improve measurement and prediction of weather, climate and ocean-atmosphere interactions, and to promote research and development of ocean observing technologies.

Subsection (c) defines key terms included within the text of the proposed legislation.

Subsection (d) establishes a National Integrated Coastal and Ocean Observation System comprised of federal and non-federal components which are coordinated through an Interagency Working Group and Regional Information Coordination Entities. This system would be more collaborative, participatory, and would have enhanced data sharing of coastal and ocean observation, technologies, and education.

Subsection (e) identifies the responsibilities of the National Ocean Research Leadership Council, the Interagency Working Group, the Administrator of the National Oceanic and Atmospheric

Administration, the Regional Information Coordination Entities, and the System Advisory Committee.

Subsection (f) allows for interagency financing to carry out administrative or programmatic activities that further the purpose of the Act.

Subsection (g) clarifies that nothing in this Act affects the authority of any agency to carry out its responsibilities.

Subsection (h) requires the Administrator to submit to Congress no later than 2 years after the implementation of the Act, and biennially thereafter, a status and progress report on the System.

Subsection (i) requires the Council to develop a policy within six months of enactment to define decision-making processes between federal and non-federal groups related to providing end-use information, products, technologies, and services.

Subsection (j) directs the Interagency Working Group to obtain an independent cost estimate for operations and maintenance of existing or anticipated federal assets of the System.

Subsection (k) emphasizes that funding provided from Congress would supplement, not replace existing sources and that contracts in excess of \$250 million need Congressional review and comment.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

FEDERAL ADVISORY COMMITTEE STATEMENT

The functions of the proposed advisory committee authorized in the bill are not currently being nor could they be performed by one or more agencies, an advisory committee already in existence or by enlarging the mandate of an existing advisory committee.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective

of this bill is to direct the President to establish a National Integrated Coastal and Ocean Observation System.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 2342—National Integrated Coastal and Ocean Observation Act of 2008

Summary: H.R. 2342 would direct the National Ocean Research Leadership Council to develop and operate an integrated coastal and ocean observation system, including ocean monitoring, data analysis, and research. The council, which was established in 1996, includes the National Oceanic and Atmospheric Administration (NOAA), the Navy, the National Science Foundation (NSF), the National Aeronautics and Space Administration, the U.S. Coast Guard, and other federal agencies.

The costs of carrying out the requirements of H.R. 2342 are difficult to predict because the parameters of the observation system have not been determined by the council. It is also possible that some aspects of the system would be funded and implemented in the absence of this legislation. Based on available information and assuming appropriation of the necessary amounts, CBO estimates that implementing the bill would require funding of about \$1.8 billion over the 2009–2013 period and about \$600 million annually thereafter. We estimate that enacting the bill would not affect direct spending or revenues.

H.R. 2342 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 2342 is shown in the following table. The costs of this legislation fall within budget functions 050 (national defense), 250 (general science, space, and technology), 300 (natural resources and environment), and 400 (transportation).

	By fiscal year, in millions of dollars—				
	2009	2010	2011	2012	2013
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	100	250	350	500	600
Estimated Outlays	70	155	260	380	485

Basis of estimate: For this estimate, CBO assumes that the amounts necessary to carry out H.R. 2342 will be appropriated for each fiscal year and that outlays will follow historical spending patterns for similar activities. This estimate is based on information provided by NOAA, the U.S. Commission on Ocean Policy, and other federal agencies and nonprofit organizations.

Based on projections and timetables developed by the U.S. Commission on Ocean Policy, CBO estimates that developing the infrastructure for a fully integrated coastal and ocean observation system would require about \$200 million over the next two years. This

amount would be used to improve existing systems operated by federal agencies such as NOAA, establish regional observing systems, and develop new sensor technologies, forecasting models, and other system products. CBO expects that initial system operations would commence in 2010; once fully operational (by 2013), the system would require annual funding of \$600 million.

CBO expects that much of the spending to develop and operate the coastal and ocean observation system could occur even in the absence of this legislation. For fiscal year 2008, the Congress appropriated more than \$25 million to NOAA for activities similar to those authorized by H.R. 2342, including ocean observing and assessment projects. Other agencies such as the Navy and the NSF also receive appropriations for ongoing programs related to ocean observing.

Intergovernmental and private-sector impact: H.R. 2342 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO estimate: On November 9, 2007, CBO transmitted a cost estimate for H.R. 3221, the Renewable Energy and Conservation Tax Act of 2007, as passed by the House of Representatives on August 4, 2007. On July 13, 2007, we transmitted a cost estimate for H.R. 2337, the Energy Policy Reform and Revitalization Act of 2007, as ordered reported by the House Committee on Natural Resources on June 13, 2007. Both H.R. 3221 and H.R. 2337 contained provisions that are very similar to those of H.R. 2342, and the estimated costs of those provisions in the three versions of the legislation are identical. CBO also transmitted a cost estimate for S. 950, the Coastal and Ocean Observation System Act of 2007, as ordered reported by the Senate Committee on Commerce, Science, and Transportation on June 27, 2007. S. 950 is also similar to H.R. 2342, but, as reflected in the cost estimate for that legislation, it contained specified authorization levels and included additional programs.

Estimate prepared by: Federal Costs: Deborah Reis; Impact on State, Local, and Tribal Governments: Neil Hood; Impact on the Private Sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 2342 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

